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| In re patent application of: |) | Before the Examiner: |
| Charles L. Branch et al. |) | Pedro Philogene |
| |) | |
| Application Serial No.: 09/870,023 |) | Group Art Unit: 3731 |
| |) | |
| Filed: May 30, 2001 |) | Ref. No.: MSDI-213/ PC365.05 |
| |) | |
| |) | |
| INTERBODY FUSION GRAFTS |) | January 20, 2006 |
| AND INSTRUMENTATION |) | |

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on January 20, 2006.

Brad A. Seepers
Name of Registered Representative


Signature

January 20, 2006
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the following patents, publications and/or other information listed on the attached PTO Form SB/08A and/or SB/08B.

The cited information was previously submitted in this application by the Applicant via an Information Disclosure Statement filed with the application on May 30, 2001. However, the acknowledged copy of the Information Disclosure Statement accompanying the non-final Office Action mailed September 13, 2002 crossed out (3) three of the submitted references, presumably for the reason that the Information Disclosure Statement did not indicated a publication date for these references. The Applicant has not included copies of the cited references since the references are already of record in the subject application. The Applicant has included the publication date for PCT Publication No. WO 98/17209. However, the two non-patent publications are not dated, and the publication dates associated therewith are therefore unknown.

Information Disclosure Statement
Application Serial No. 09/870,023
Inventors: Branch et al.
Page 1 of 2

The filing of this Information Disclosure Statement shall not construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56 or prior art.

This statement is being submitted in conjunction with the filing of a Request for Continued Examination, and therefore no fee is believed due for consideration of the same. However, should any fees be required, please charge the same to Deposit Account 12-2424, but not including the payment of any issue fees that are or may become due.

Respectfully submitted,

By: 

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| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Complete if Known | | | |
| | | Application Number | 09/870,023 | | |
| | | Filing Date | May 30, 2001 | | |
| | | First Named Inventor | Charles L. Branch | | |
| | | Group Art Unit | 3731 | | |
| | | Examiner Name | Pedro Philogene | | |
| Sheet | 2 | of | 2 | Attorney Docket Number | MSDI-213/PC365.05 |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | | |
|--|--------------------------|--|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published | T ² |
| | | Acromed Spine Tools "PLIG Instruments" (undated) | |
| | | "Brantigan I/F Cage Acromed" (undated) | |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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